

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-7158**

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VERNELL A. JEFFRIES,

Plaintiff - Appellant,

and

DONTAY HARRIS; HARRY SHAUCK,

Plaintiffs,

versus

PRIVATE OWNERS; SUPERINTENDENT,

Defendants - Appellees.

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Appeal from the United States District Court for the Western  
District of Virginia, at Roanoke. Jackson L. Kiser, Senior  
District Judge. (CA-02-1263-7)

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Submitted: November 21, 2003

Decided: March 23, 2004

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Before WIDENER, LUTTIG, and WILLIAMS, Circuit Judges.

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Dismissed by unpublished pre curiam opinion.

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Vernell A. Jeffries, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Vernell A. Jeffries appeals from the district court's order dismissing without prejudice his 42 U.S.C. § 1983 (2000) complaint for want of prosecution. The district court dismissed Jeffries' complaint because he failed to notify the district court that his address changed, and, because of that failure, correspondence from the court addressed to Jeffries was returned as undeliverable. The district court's dismissal without prejudice is not appealable. See Domino Sugar Corp. v. Sugar Workers' Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). A dismissal without prejudice is a final order only if "'no amendment [in the complaint] could cure the defects in the plaintiff's case.'" Id. at 1067 (quoting Coniston Corp. v. Village of Hoffman Estates, 844 F.2d 461, 463 (7th Cir. 1988)). In ascertaining whether a dismissal without prejudice is reviewable in this court, we must determine "whether the plaintiff could save his action by merely amending his complaint." Domino Sugar, 10 F.3d at 1066-67. In this case, Jeffries may move in the district court to reopen his case and to file a signed complaint giving his present address. See Fed R. Civ. P. 11(a). Therefore, the dismissal order is not appealable. Accordingly, we dismiss the appeal for lack of jurisdiction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED